

**CUSTOMER NO.: 24498**  
**Serial No.: 10/568,046**  
**Office Action dated: 09/23/08**  
**Date of Response: 03/27/09**

**PATENT**  
**PU030244**

**Amendments to the Drawings**

The attached Replacement Sheets include a corrected drawing sheet.

Attachment: Replacement Sheets1, 2 and 3.

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**Remarks/Arguments**

Applicants have carefully reviewed the Office Action mailed September 23, 2008. To better point out and claim their invention, Applicants have amended claims 1, 3, 8, 14, 16, 19 and 21. Claims 1-25 remain pending in this application. Applicants requests reconsideration of the rejections in view of the amendments to the claims and the foregoing remarks.

**Drawing objections**

Applicants note the Examiner's objection to the drawings. Accordingly, Applicants submit herewith a corrected drawing sheet to overcome the objection. The corrected drawing sheet now includes a programmable device in compliance with 37 C.F.R. 1.83(a). No new matter has been added by the replacement/corrected drawing sheets. Applicants request reconsideration and withdrawal of the drawing objection.

**35 U.S.C. 112 rejection of Claims 1, 14 and 19**

Claims 1, 14 and 19 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. Specifically, the Examiner has objected to the use of the term "adapted for" throughout these claims. Applicants have amended claims 1, 14 and 19 to change "adapted" to "configured". This is clearly supported by the original disclosure and is believed to eliminate any issues regarding the enablement of the disclosure and claims. Applicants request reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1, 14 and 19 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. Again, the Examiner has asserted that the term "adapted for" renders the claims indefinite. As mentioned above, these claims have been amended. Applicants request reconsideration and withdrawal of the rejection.

**35 U.S.C. 112 Rejection of Claim 3**

Claim 3 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. More specifically, the Examiner has objected to the use of the language, "at least one of", throughout the claim. Applicants respectfully assert that the claim language of claim 3, as originally presented is in compliance with 35 U.S.C. 112, second

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paragraph. Applicants believe the Examiner's assumption as to what was meant by claim 3 (and thereby claims 16 and 21) is inaccurate in view of the invention description. However, in an effort to further prosecution, Applicants have amended dependent claim 3, to more clearly recite the subject matter of the same, including setting forth the claims in paragraph form. Reconsideration and withdrawal of the rejection is respectfully requested

### **35 U.S.C. 112 Rejection of Claim 8**

Claim 8 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. More specifically, the Examiner has rejected to the language of claim 8 which further recites that two cards of claim 6 are implemented on one card. Applicants do not agree with this rejection since claim 8 further limits, and does not undo the limitation of claim 6 by requiring the two cards to be integrated into one card. However, to further prosecution, Applicants have amended claim 8 in a way that is believed to overcome this rejection. Reconsideration and withdrawal of the rejection is requested.

### **35 U.S.C. 103(a) Rejection of Claims 1-11, 13-17 and 19-25**

Claims 1-11, 13-17 and 19-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cornet et al. (USP 7,254,112 in view of Hsieh et al. (USP 5,625,780) and what is old and well know in the art as evidenced by Notarianni et al. (USP 5,301,346) and Bennett (USP 6,539,534).

Cornet et al. discloses a system and method for reassembling packets in a network element. Hsieh et al. discloses a programmable backplane for buffering and routing bi-directional signals between terminals of printed circuit boards. The examiner has cited Cornet for showing input cards (150), output cards (150) and at least one device 106, while the examiner relies on Hsieh for showing a programmable device (16) and a configuration control (30).

In asserting this rejection, the Examiner cites the fabric 106 of Cornet as constituting Applicants' claimed, "at least one device", and then asserts Hsieh for showing that this device could be a programmable device FPID (16).

According to Cornet, the fabric 106 provides cell switching or routing capacity for network element 100. Fabric 106 routes the traffic from the ingress card 102 to

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the appropriate egress card 104 over another link 112 as per the routing information in the internal header 256 of internal cells of the traffic flow (See Col. 5, lines 20-29). Thus, Cornet teaches that the switching action of the fabric 106 relies entirely on the internal header information of the received data traffic flow. Applicants respectfully assert that Cornet et al. must be taken in its entirety and as such, the use of fabric 106 which is clearly controlled by the data flowing through it. Thus, the fabric of Cornet et al. does not constitute a programmable device whose operation is based on the configuration control card. Therefore, the Cornet et al. patent teaches away from the claimed invention. (See MPEP 2141.02 VI).

Notwithstanding the foregoing, assuming *arguendo*, the teachings of Hsieh et al. were combined with those of Cornet et al. as the Examiner proposes, Applicants assert that modifying Cornet et al. with the teachings of Hsieh et al. would render the invention of Cornet et al. unsatisfactory for its intended purpose (MPEP 2143.01 V) which is to increase data processing speed by increasing the efficiency at which data packets are reassembled in the data network. As stated above, Hsieh does not utilize a fabric 106 (or any such analogous device) as taught by Cornet et al. Therefore, one of ordinary skill in the art would have to completely re-design Cornet's invention to implement a configuration control card of the present invention that is capable of programming a programmable device (e.g., FPID 16) that would somehow have to be integrated into the fabric 106 which is responsible for managing traffic flow there through. Since the operation of the fabric 106 in Cornet is entirely reliant on the data headers in the data received, the addition of an external configuration control card and one or more programmable devices of Hsieh would clearly increase signal delay through the fabric 106 (as evidenced by the increased processing required to add a configuration control and a programmable device that is configured to control the data flow), as compared to the fabric 106 utilizing the data header in the received data to determine the direction of the received data traffic. In view of the foregoing, Applicants believe the combined teachings of Cornet with those of Hsieh would fail to render the presently claimed invention obvious to one of ordinary skill in the art. Reconsideration of the rejections of independent claims 1, 14 and 19 and the withdrawal of the same and early allowance on the merits is therefore respectfully requested.

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With respect to dependent claims 2, 15 and 20, Applicants respectfully assert that neither Cornet et al. nor Hsieh et al., taken singly or in any combination disclose or suggest that one or more of the functionalities include "... fading at the switch points,... remote error monitoring, signal mixing, at least one of altering and enabling Digital Signal Processor (DSP) functions, metering and modifying router size." Reconsideration and withdrawal of this rejection is respectfully requested.

Regarding dependent claim 13, Applicants have reviewed the cited passages of Hsieh (i.e., Col. 7, lines 27-51 and Col. 8, lines 3-25), and finds no mention or suggestion of a "user input device for receiving a user input for initiating a configuration of the at least one programmable device." As such, and again, notwithstanding the above mentioned distinctions between independent claim 1 and the cited references, it is respectfully submitted that the combined teachings of Cornet with Hsieh fail to obviate this feature of Applicants' claimed invention.

**35 U.S.C. 103(a) Rejection of Claims 12, 18 and 25**

Claims 12, 18 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cornet et al. (USP 7,254,112) in view of Hsieh et al. (USP 5,625,780), Watanabe et al. (USP 4,764,959) and what is old and well know in the art, as evidenced by Notarianni et al. (USP 5,301,346) and Bennett (USP 6,539,534).

Claims 12, 18 and 25 depend from independent claims 1, 14 and 19, and are allowable for same reasons as their parent claims. Withdrawal of the rejection is respectfully requested.

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**Conclusion**

In view of the foregoing, Applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the Applicants' attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. However, if there is a fee, please charge the fee and/or credit any overpayment to Deposit Account No. 07-0832.

Respectfully submitted,  
CARL CHRISTENSEN ET AL.

By: 

Robert B. Levy, Attorney  
Reg. No. 28,234  
Phone (609) 734-6820

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Attachments -- Three (3) Replacement Sheets\

Patent Operations  
Thomson Licensing LLC  
P.O. Box 5312  
Princeton, New Jersey 08543-5312

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